

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESUS DIAZ,

Plaintiff,

v.

E. GONZALES,

Defendant.

No. 2:24-cv-01507-DC-CKD (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
THIS ACTION

(Doc. No. 14)

Plaintiff Jesus Diaz is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 26, 2024, the assigned magistrate judge issued findings and recommendations recommending this action be dismissed, without prejudice, due to Plaintiff's failure to prosecute this action and failure to comply with a court order. (Doc. No. 14.) Specifically, Plaintiff has failed to comply with the court's order dated September 25, 2024, in which Plaintiff was granted an extension of time and directed to file a first amended complaint by November 15, 2024. (Doc. No. 12.) Plaintiff did not thereafter file a first amended complaint or otherwise communicate with the court.

Those findings and recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (Doc. No. 14 at 1.)

To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.


In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly:

1. The findings and recommendations issued on November 26, 2024 (Doc. No. 14) are adopted in full;
2. This action is dismissed, without prejudice, due to Plaintiff's failure to prosecute this action and failure to comply with a court order; and
3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: **January 13, 2025**

  
Dena Coggins  
United States District Judge